

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 IN AND FOR THE COUNTY OF PIERCE

MEGAHN ANNE MORGAN,

Plaintiff,

vs.

THE SECRETARY OF THE
 DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES, THE CHIEF
 EXECUTIVE OFFICER OF
 WESTERN STATE HOSPITAL,
 JOHN DOES 1 - 10,
 Defendants.

Cause No. 18-2-11647-9

COMPLAINT

42 U.S.C. Sect 1983 CIVIL RIGHTS CLAIM

I. INTRODUCTION

1. This is a civil rights action brought under 42 U.S.C. sect 1983 to recover damages from the wrongful and unlawful detention at Western State Hospital. The Plaintiff, Megahn Anne Morgan, was found not guilty by reason of insanity (NGRI) of attempted assault in the second degree on August 24, 2005. The Plaintiff was sent to Western State Hospital. The maximum time that the Plaintiff could lawfully be held at Western State Hospital is 5 years. The Plaintiff was released from involuntary commitment to voluntary commitment on September 25, 2015. The Plaintiff was released

COMPLAINT - 1

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ORIGINAL COPY

1 from Western State Hospital voluntary commitment on February 10, 2015, more than 5
2 years past her maximum release date.

3 2. Staff at Western State Hospital is required to perform evaluations every
4 six months to determine if a patient has had her sanity restored. Despite these evaluations,
5 the Plaintiff was not released, despite having been there past her maximum release date.

6 II. PARTIES

7 3. Plaintiff Megahn Anne Morgan is a citizen of the United States residing at
8 all relevant times in Pierce County, Washington.

9 4. The following list of Defendants each and all acted under color of state
10 law at all relevant times:

11 5. John Doe 1, The Secretary of the Defendant Department of Social and
12 Health Services (DSHS) located at 1500 Jefferson St., Olympia, Washington, 98504.
13 DSHS is liable for constitutional violations alleged herein.

14 6. John Doe 2, the Chief Executive Officer of Western State Hospital is
15 liable for constitutional violations alleged herein.

16 7. John or Jane Does number 1 – 10 whose names and numbers are not yet
17 known were at all relevant times employees of Western State Hospital or contracted to
18 perform work at Western State Hospital.

19 III. JURISDICTION AND VENUE

20 8. Jurisdiction is established by 28 U.S.C. sections 1331 and 1343 for all
21 claims alleged under 42 U.S.C. sect. 1983.

22 9. Venue is proper in the Western District under 28 U.S.C. 1391 as all
23 domiciled in the district and all claims arose therein. Additionally, all defendants acted
24 under color of Washington State law.
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IV. FACTS

10. On August 8, 2005, Plaintiff Megahn Morgan was found not guilty by reason of insanity for attempted assault in the second degree. She was committed to Western State Hospital until either her sanity was restored or up to the maximum term of 5 years.

11. The Plaintiff was released from involuntary commitment to voluntary commitment on September 25, 2018, more than 5 years past her maximum commitment term.

V. CAUSES OF ACTION

12. Plaintiff alleges that defendants unreasonable and prolonged seizure under the 4th Amendment of the United States Constitution.

13. Plaintiff alleges that defendants procedural due process rights under the 5th and 14th Amendments of the United States Constitution.

VI. RELIEF SOUGHT

14. Plaintiff hereby demands a trial by jury.

15. Plaintiff requests all available general, special, and punitive damages for past, present and future injury and deprivation, as well as pre- and post-judgment interest.

16. Plaintiff requests the foregoing compensatory and punitive damages in an amount ascertained according to proof, the value of her civil rights to be determined by a jury of her peers.

17. Plaintiff requests an award of reasonable attorney fees and costs pursuant to 42 U.S.C. sect. 1988, 28 U.S.C. sect. 2412, or any other statutory or common law basis, and for such other relief to which Plaintiff may be justly entitled in the wisdom of

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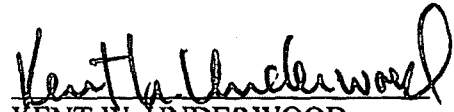
COMPLAINT - 3

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1 the court.

2 RESPECTFULLY SUBMITTED this 25th Day of September, 2018.

3
4 By


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